

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10  
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 USIA-06  
JUSE-00 /061 W  
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P 172230Z MAR 78  
FM AMEMBASSY OTTAWA  
TO SECSTATE WASHDC PRIORITY 6715  
INFO AMEMBASSY MOSCOW  
AMCONSUL MONTREAL  
ALL OTHER CANADIAN POSTS POUCH

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E.O. 11652: N/A  
TAGS: PEPR, PINT, CA  
SUBJECT: CANADIAN ATTORNEY GENERAL DECIDES NO PROSECUTION  
FOR COSSITT

REF: OTTAWA 1333

1. ON MARCH 17, CANADIAN MINISTER OF JUSTICE AND  
ATTORNEY GENERAL BASFORD INFORMED THE HOUSE OF COMMONS  
THAT HE HAD DECIDED NOT TO APPROVE PROSECUTION OF MP  
THOMAS COSSITT. BASFORD DID, HOWEVER, APPROVE PROSE-  
CUTION OF TORONTO STAR FOR ALLEGED VIOLATION OF OFFICIAL  
SECRETS ACT.

2. EXPLAINING HIS REASONING, BASFORD DELINEATED BASIC  
COMPETING PUBLIC INTERESTS INVOLVED IN THE CASE -- FREEDOM  
OF SPEECH AND THE PRESS, THE EQUAL APPLICATION OF THE  
LAW TO ALL, THE NEED FOR STATE SECURITY SERVICES IN A  
DIFFICULT WORLD, AND THE PRIVILEGES AND RESPONSIBILITIES  
OF MEMBERS OF PARLIAMENT. HE EMPHASIZED THAT THE  
ATTORNEY GENERAL OF CANADA MUST MAKE THE DECISION ON  
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HIS OWN, AND WITH THE "EXCLUSION OF NARROW PARTISAN  
VIEWS." HE NOTED THAT COSSITT HAD DISCLOSED CONTENTS  
OF CLASSIFIED DOCUMENTS IN STATEMENTS ON THE FLOOR OF  
PARLIAMENT AND THAT SUCH STATEMENTS WERE PROTECTED AND  
COULD NOT BE PROSECUTED UNDER THE OFFICIAL SECRETS ACT.  
BASFORD ARGUED FURTHER THAT STATEMENTS MADE BY COSSITT  
OUTSIDE OF PARLIAMENT HAD NOT SUBSTANTIALLY ADDED TO

THOSE MADE INSIDE, AND DID NOT CONSTITUTE REASONABLE GROUNDS FOR PROSECUTION. BASFORD ADDED THAT COSSITT COULD NOT BE IMPLICATED IN THE DISCLOSURES MADE BY THE TORONTO STAR. HE CLOSED HIS REMARKS ON COSSITT WITH EXPRESSION OF HOPE THAT NEW SPECIAL COMMITTEE OF PARLIAMENT WOULD ESTABLISH GUIDELINES FOR ALL MP'S TO PRECLUDE SIMILAR SITUATIONS IN FUTURE.

3. BASFORD MADE IT CLEAR THAT CASE OF TORONTO STAR WAS DIFFERENT MATTER FROM THAT OF COSSITT. CITING CANADIAN TRADITION OF FREEDOM OF PRESS AND "SOMEWHAT SPECIAL" ROLE OF PRESS EVEN IN SOCIETY WHERE LAW APPLIES TO ALL, BASFORD STATED THAT THE MERITS AND QUESTIONS OF THE CASE WOULD BEST BE DECIDED IN A COURT OF LAW. BASFORD THEREFORE WAS "CONSENTING TO" THE PROSECUTION OF THE TORONTO STAR UNDER THE OFFICIAL SECRETS ACT.

4. COMMENT: AS WE HAVE NOTED (REFTEL), THE GOVERNMENT WAS ESSENTIALLY IN A NO-WIN SITUATION IN THIS AFFAIR. BASFORD WAS PROBABLY RIGHT IN CONCLUDING THAT IT WOULD HAVE BEEN EXCEEDINGLY DIFFICULT FOR GOVERNMENT TO SUSTAIN ITS CASE AGAINST COSSITT IN VIEW OF UNCERTAINTY ABOUT RIGHTS AND PRIVILEGES OF MP'S, BUT HIS DECISION TO LAY CHARGES UNDER OFFICIAL SECRETS ACT AGAINST TORONTO STAR WILL LIKELY BE STRONGLY CRITICIZED BY MEDIA GENERALLY. THE GOVERNMENT CAN CERTAINLY DO WITHOUT LIMITED OFFICIAL USE

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SUCH CRITICISM JUST BEFORE WHAT APPEARS WILL BE AN ELECTORAL PERIOD.  
ENDERS

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LEGISLATORS, ATTORNEYS, TRIALS  
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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
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**Reference:** 78 OTTAWA 1333  
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**Review Transfer Date:**  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CANADIAN ATTORNEY GENERAL DECIDES NO PROSECUTION FOR COSSITT  
**TAGS:** PEPR, PINT, CA, (COSSITT, THOMAS)  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
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